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Attorneys for Plaintiff

Shoom, Inc., a Delaware corporation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Shoom, Inc., a Delaware corporation,

Plaintiff,

vs.

Electronic Imaging Systems of America, Inc.,
an Illinois corporation, and Roes 1 – 100;

Defendants.

Case No. CV 07 05612 JCS

**NOTICE OF APPLICATION FOR
DEFAULT JUDGEMENT AND COSTS
AND APPLICATION FOR DEFAULT
JUDGEMENT BY COURT**

Date: February 8, 2008

Time: 9:30 a.m.

Courtroom: A, 15th Floor

TO: DEFENDANT ELECTRONIC IMAGING SYSTEMS OF AMERICA, INC:

PLEASE TAKE NOTICE THAT ON Friday, February 8, 2008, at 9:30 a.m., or as soon thereafter as this matter may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California, plaintiff Shoom, Inc. ("Shoom") will present its application for a default judgment against defendant Electronic Imaging Systems of America, Inc. ("eISA"). The clerk has previously entered the default of the defendant on December 12, 2007 on the ground that said defendant failed to appear or otherwise respond to the Complaint within the time prescribed by the Federal Rules of Civil Procedure. Plaintiff served the Complaint and

**NOTICE OF APPLICATION FOR DEFAULT
JUDGEMENT AND COSTS AND APPLICATION FOR
DEFAULT JUDGEMENT BY COURT**

(Case No. CV 07-05612 JCS)

1 Summon on eISA on November 9, 2007, as evidenced by the Proof of Service of Complaint
2 and Summons on file with this Court.

3 At the time and place of the hearing, Shoom will present proof of the following matters:

- 4 1. Defendant is not an infant or incompetent person or in military service or otherwise
5 expected under the Soldiers' and Sailors' Civil Relief Act of 1940.
6 2. Defendant has not appeared in this action.
7 3. Notice of this Application for Default Judgment by Court was served on Defendant
8 eISA on December 27, 2007 by US Mail.
9 4. Notice of the Clerk's December 12, 2007 entry of default against eISA was served on
10 Defendant eISA on December 27, 2007 by US Mail.
11 5. Shoom is entitled to judgment against defendant on account of the claims plead in the
12 Complaint, to wit: a declaration that Shoom has not and does not infringe upon eISA's
13 patents, U.S. Patent No. 7,099,837 (the "837 patent") and U.S. Patent No. 6,505,173
14 (the "173 patent"). The '837 patent is entitled "System of Generating Billing Statements
15 for Published Advertising" and is attached to the Complaint as Exhibit 1. The '173
16 patent is entitled " Method for Electronically Merging Digitized Data System of
17 Generating Billing statements for Published Advertising"and is attached to the
18 complaint as Exhibit 2.
19 6. Shoom is also entitled to costs in the amount of \$47 dollars for the cost of service upon
20 eISA and \$350 dollars for the filing fees paid for this action.

21 The above stated facts are set forth in the accompanying Declaration of Steven A.
22 Nielsen, filed herewith.
23

24 //

26 //

Respectfully submitted,

Dated: December 27, 2007

Allman & Nielsen P.C.

By /s/ Steven A. Nielsen

Steven A. Nielsen
Attorneys for Plaintiff
SHOOM, INC.

PROOF OF SERVICE

State of California

Marin County

I am over the age of 18 and not a party to the within action; my business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California, 94939. On **December 27, 2007**, a copy of the attached **NOTICE OF APPLICATION FOR DEFAULT JUDGEMENT AND COSTS AND APPLICATION FOR DEFAULT JUDGEMENT BY COURT** was served on all interested parties in this action by U.S. mail, postage prepaid, at the following addresses:

Don O. Spagnolo
2500 W. Higgins RD, Suite 500
Hoffman Estates, IL, 60195

John Metsig, President
Electronic Imaging Systems of America
2260 Hicks Road, Suite 405
Rolling Meadows, IL 60008

Executed on December 27, 2007, at Larkspur, California. I declare under penalty of perjury that the above is true and correct.

/s/ Noli Vila

Noli Vila